



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/173766

PRELIMINARY RECITALS

Pursuant to a petition filed April 20, 2016, under Wis. Stat. § 49.45(5)(a), to review a decision by the Winnebago County Department of Human Services in regard to Medical Assistance (MA), a hearing was held on June 14, 2016, at Oshkosh, Wisconsin.

The issue for determination is whether the agency correctly terminated the petitioner's BadgerCare (BC) Plus benefits effective April 1, 2016.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

I

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]

Winnebago County Department of Human Services
220 Washington Ave.
PO Box 2187
Oshkosh, WI 54903-2187

ADMINISTRATIVE LAW JUDGE:

Corinne Balter
Division of Hearings and Appeals

FINDINGS OF FACT

1. The Petitioner (CARES # [REDACTED]) is a resident of Winnebago County. She is a household size of two for the purpose of BadgerCare (BC) Plus benefits.

2. The petitioner was previously eligible for BC Plus benefits under the pregnant women eligibility standards.
3. The petitioner had her baby on January 17, 2016.
4. On February 23, 2016 the agency sent the petitioner a notice stating her BC Plus coverage will end effective April 1, 2016 because it had been more than 60 days since her pregnancy, and she was over the program income limit as a non-pregnant adult.
5. The petitioner's monthly income is \$1,392 from unemployment benefits.
6. On April 20, 2016 the Division of Hearings and Appeals received the petitioner's Request for Fair Hearing.

DISCUSSION

BadgerCare Plus is a Wisconsin variant of the MA program, for non-elderly, non-disabled Wisconsin residents. The program's nonfinancial eligibility standards were broadened effective April 1, 2014, to include adults who do not have minor children in their home. Wis. Stat. § 49.45(23); 2013 Wisconsin Act 116, § 29, for effective date; *BadgerCare Plus Eligibility Handbook (BCPEH)*, § 2.1, at <http://www.emhandbooks.wisconsin.gov/bcplus/bcplus.htm> (viewed in January 2015). The petitioner meets the nonfinancial eligibility tests for the program.

The petitioner must also pass an income test. An eligible applicant cannot have adjusted gross income exceeding 100% of the federal poverty level (FPL). Wis. Stat. § 49.45(23)(a); *BCPEH*, § 16.1. The 100% FPL amount is \$1335.00 monthly for a household of two. *Id.*, § 50.1. When a person is pregnant the income limit increases to 300% FPL. *Id.*, § 16.1.1. That limit reduces to 100% FPL 60 days after the pregnancy ends. *Id.*, § 8.1. This takes effect at the end of that month. *Id.*, § 8.1.

In this case the petitioner was pregnant. She had her baby on January 17, 2016. While she was pregnant and following the birth of her child, she remained eligible for BC Plus benefits under the pregnant women eligibility standards. Her benefits terminated on April 1, 2016, which is the end of the month 60 days following the birth of her child. The petitioner could have remained eligible for BC Plus coverage if her income was below 100% FPL. Even as a household size of two, with her new baby, her income exceeded 100% FPL, and the agency correctly terminated her BC Plus benefits effective April 1, 2016. The petitioner testified that she now has health insurance coverage through the marketplace.

CONCLUSIONS OF LAW

The agency correctly terminated the petitioner's BadgerCare (BC) Plus benefits effective April 1, 2016.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and

why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 16th day of June, 2016

\sCorinne Balter
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on June 16, 2016.

Winnebago County Department of Human Services
Division of Health Care Access and Accountability